

REMARKS

Claims 1-15 stand rejected under 35 USC § 103(a) as unpatentable over Ogden (U.S. Patent No. 6,311,164) in view of Speicher (U.S. Patent No. 6,282,515). Applicant respectfully asks the Examiner to reconsider this rejection in light of the below Remarks.

The present invention is directed to a system for asynchronously recording video and audio data wherein an interviewer and an interviewee are remotely located from each other. As such, all claims require, among other elements, the following: (1) interviewer's question video data stored on a storage device; (2) software executing on the computer for forwarding said interviewer's question video data to an interviewee; and, (3) a camera for capturing at least one interviewee's answer video data to the interviewer's question video data in real time for storage on the storage device together with corresponding interviewer's question video data.

Applicant respectfully submits that none of the cited prior art, either alone or in combination, discloses, teaches or suggests the above highlighted elements.

Ogden discloses a telephone based system in which a central location receives calls from remotely located job applicants and handles the calls, including transmitting messages to the applicants and receiving information from the applicants over an electronic communications link, automatically and directly. However, as expressly recognized by the Examiner, Ogden does not disclose, teach or suggest that the

interviewer's questions and/or the interviewee's answers comprise video data collected from a camera, as required by all claims.

Speicher discloses a method and apparatus for delivering personal ad services. While the majority of the data collected by the system of Speicher comprises text or audio data, Applicant recognizes that Speicher does disclose the optional collection of video data as part of the personal ad. However, the video data collected by the device of Speicher are simply video clips which are digitized by the advertised and then submitted to the system via email. (see Column 11, lines 27-34, Column 16, lines 51-59). As such, there is absolutely no disclosure, teaching or suggestion of the real time exchange of video questions and video answers in an interviewing process.

Therefore, since neither Ogden nor Speicher discloses, teaches or suggests a video based interview process, the combination of the two would not result in or render obvious claims which require such. Rather, Applicant submits that if Ogden were combined with Speicher (absent the availability of the present application as a roadmap), the resulting system would be a telephonic interview system where questions and answers were both provided in audio format (as taught by Ogden), with the option of allowing the interviewee to email or otherwise upload a digitized video clip of himself or herself after the interview was completed (as taught by Speicher). Such a system would not render obvious the claims of the present application, and would not include many of the benefits of the system of the present invention, such as allowing the

interviewer to visually evaluate the general demeanor of the interviewee, and more importantly how the interviewee reacts (i.e., with facial expressions or body language) to the questions posed by the interviewer.

For the foregoing reasons, Applicant respectfully submits that all claims, namely Claims 1-15, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd M. Oberdick", is written over a horizontal line. A long, thin checkmark is drawn to the right of the signature.

Wesley W. Whitmyer, Jr., Registration No. 33,558
Todd M. Oberdick, Registration No. 44,268
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155